

2005 DRAFTING REQUEST

Bill

Received: **12/17/2004**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Hummert**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - civil service**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Hummert, BB0317 -

Topic:

Equal Rights Division duties

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	rchampag 12/17/2004	wjackson 12/17/2004	rschluet 12/20/2004	_____	sbasford 12/20/2004		

FE Sent For:

<END>

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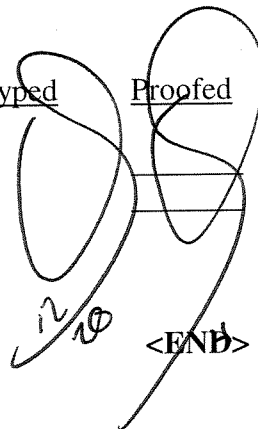
See Attached.

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FE Sent For:


<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Technical adjustments to equal rights law
- Tracking Code: *BB0317*
- SBO team: Education
- SBO analyst: Josh Hummert
 - Phone: 4-8259
 - Email: joshua.hummert@doa.state.wi.us
- Agency acronym: DWD
- Agency number: 445

CORRESPONDENCE MEMORANDUM**STATE OF WISCONSIN**
Department of Administration**Date:** December 14, 2004**To:** Steve Miller
Legislative Reference Bureau**From:** Josh Hummert 
Executive Policy and Budget Analyst**Subject:** Transfer of Personnel commission to DWD technical adjustments

2003 Wisconsin Act 33 abolished the Personnel Commission and transferred some of the commission's responsibilities to DWD. Please draft language that will make the following technical adjustments to DWD's management of former Personnel Commission cases:

230.85(3)
(b) 1. Delete a statutory reference that requires the Equal Rights Division to unanimously vote to find that a complaint is frivolous. The Equal Rights Division is not an organization that could unanimously vote on an item and the division already has mechanisms for determining whether a case is frivolous.

RP 230.89(2)
RV (1); 230.89 2. Delete the statutory requirement that DWD must submit a biennial report to the Legislature that describes cases that would have formerly been heard by the Personnel Commission. Since these cases are now handled by the Equal Rights Division, DWD includes these cases in the department's biennial report to the Legislature.

If there are questions or additional information is needed please contact me at 4-8259.

cc: Linda Nelson
Bob Hanle



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1300/1

RAC: /.....
Wlj

Sean

DOA:.....Hummert, BB0317 - Equal Rights Division duties ✓

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION ✓

DO NOT GEN

1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

STATE EMPLOYMENT

The bill makes technical changes to provisions in the state's civil service law relating to the ~~Equal Rights~~ Division in DWD.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION ~~#~~ 230.89 (1) of the statutes is renumbered 230.89. ✓

3 SECTION ~~#~~ 230.89 (2) of the statutes is repealed. ✓

4 SECTION ~~#~~ 230.85 (3) (b) of the statutes is amended to read: ✓

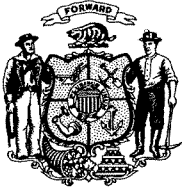
5 230.85 (3) (b) If, after hearing, the division of equal rights finds that the
6 respondent did not engage in or threaten a retaliatory action it shall order the
7 complaint dismissed. The division of equal rights shall order the employee's

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2-10

1 appointing authority to insert a copy of the findings and orders into the employee's
2 personnel file and, if the respondent is a natural person, order the respondent's
3 appointing authority to insert such a copy into the respondent's personnel file. If the
4 division of equal rights finds ~~by unanimous vote~~ that the employee filed a frivolous
5 complaint it may order payment of the respondent's reasonable actual attorney fees
6 and actual costs. Payment may be assessed against either the employee or the
7 employee's attorney, or assessed so that the employee and the employee's attorney
8 each pay a portion. To find a complaint frivolous the division of equal rights must
9 find that either s. 814.025 (3) (a) or (b) applies or that both s. 814.025 (3) (a) and (b)
10 apply.

11 **History:** 1983 a. 409; 1991 a. 39; 2003 a. 33.

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1300/1
RAC:wlj:rs

DOA:.....Hummert, BB0317 - Equal Rights Division duties

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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2 **SECTION 1.** 230.85 (3) (b) of the statutes is amended to read:

3 230.85 (3) (b) If, after hearing, the division of equal rights finds that the
4 respondent did not engage in or threaten a retaliatory action it shall order the
5 complaint dismissed. The division of equal rights shall order the employee's
6 appointing authority to insert a copy of the findings and orders into the employee's
7 personnel file and, if the respondent is a natural person, order the respondent's

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7 find that either s. 814.025 (3) (a) or (b) applies or that both s. 814.025 (3) (a) and (b)
8 apply.

9 **SECTION 2.** 230.89 (1) of the statutes is renumbered 230.89.

10 **SECTION 3.** 230.89 (2) of the statutes is repealed.

11 (END)